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*Attorneys for Plaintiff Biomedical Device
Consultants & Laboratories of Colorado, LLC*

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Biomedical Device Consultants & Laboratories
Of Colorado, LLC

Plaintiff,

v.

ViVitro Labs, Inc.

Defendant.

ViVitro Labs, Inc.

Counterclaimant,

v.

Biomedical Device Consultants & Laboratories
Of Colorado, LLC

*Counterclaim
Defendant.*

CASE NO: 2:23-CV-04291-HDV

Hon. Judge Hernán D. Vera

**STIPULATION TO STAY LITIGATION
PENDING APPEAL OF ORDER DENYING
PRELIMINARY INJUNCTION**

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11 *Attorneys for Defendant*
12 *ViVitro Labs Inc.*
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1 Plaintiff and Defendant respectfully request that the Court enter this Stipulation to Stay
 2 Litigation (the “Stipulation”) as an Order of the Court that would stay all deadlines in the above-
 3 referenced case (the “Litigation”) until the resolution of the appeal filed by Plaintiff. The parties
 4 hereby stipulate and agree to the following:

5 1. This Litigation was filed on April 7, 2023 in the District of Colorado. After being
 6 transferred to the Central District of California, it was ultimately assigned to this Court.

7 2. Plaintiff filed a Motion for Preliminary Injunction, which was denied by the Court on
 8 August 29, 2023.

9 3. Plaintiff appealed the Order Denying Preliminary Injunction to the Court of Appeals for
 10 the Federal Circuit on September 11, 2023, which has been docketed as Case No. 2023-2393.

11 4. As of the date of filing of this Stipulation, no Scheduling Order has been entered in this
 12 Litigation. The Parties filed their Rule 26(f) report with a proposed schedule on July 13, 2023 [Dkt.
 13 No. 75].

14 5. The Parties have conferred and agree that a stay of this Litigation, pending appellate
 15 court review, would preserve both judicial and financial resources and promote efficiency.

16 6. The Parties hereby respectfully request that the Court:

- 17 a. Stay all District Court deadlines in this Litigation until 14 days after the termination of
- 18 the appeal;
- 19 b. Decline to act on the Parties’ Stipulated Rule 26(f) Discovery Plan [Dkt. No. 75]; and
- 20 c. Order that the Parties submit an Amended Rule 26(f) Discovery Plan within 14 days of
- 21 termination of the appeal.

22 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

23 DATED: September 20, 2023

DORSEY & WHITNEY LLP

24 By /s/ Shannon L. Bjorklund
 25 Kent Schmidt
 26 Gregory S. Tamkin
 27 Shannon L. Bjorklund
 28 Maral J. Shoaee

*Attorneys for Plaintiff Biomedical Device
 Consultants & Laboratories of Colorado, LLC*

1
2 DATED: September 20, 2023

MEUNIER CARLIN & CURFMAN LLC

3 By /s/ Warren J. Thomas

4 Warren J. Thomas

5 John H. Harbin

6 *Attorneys for Defendant ViVtro Labs, Inc.*
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ATTESTATION PURSUANT TO LOCAL RULE 5-4.3.4

Pursuant to Local Rule 5-4.3.4(2)(i), the undersigned counsel of record attests that all of the signatories listed above and on whose behalf this filing is submitted, concur in the filing's content and have authorized this filing.

/s/ Shannon L. Bjorklund

CERTIFICATE OF SERVICE

I hereby certify that on this date, a true and correct copy of the foregoing document was served on counsel of record via ECF Notice of Electronic Filing in accordance with the Federal Rules of Civil Procedure and Local Rule 5-3.3.

Dated: September 20, 2023.

/s/ Shannon L. Bjorklund

Shannon L. Bjorklund